IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 5881 of 2007(A)

PETITIONER:

LAKME LIMITED,
(SINCE TAKEN OVER BY HINDUSTAN LEVER LTD.,)
WILLINGDON ISLAND, COCHIN-682 003,
REP. BY ITS COMMERCIAL MANAGER,
MR.VENUGOPAL.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.JAYASANKAR A.K.
SRI.ANIL D.NAIR

RESPONDENTS:
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1. **ASSISTANT COMMISSIONER,**
   SPECIAL CIRCLE 1, ERNAKULAM.

2. **COMMISSIONER OF COMMERCIAL TAXES,**
   THIRUVANANTHAPURAM.

3. **TAHSILDAR (R.R.), FORT KOCHI.**

BY GOVERNMENT PLEADER SRI. MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.5881/2007 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE PENALTY PROCEEDINGS OF THE 1ST RESPONDENT DTD. 27/03/2001.

EXT.P2: COPY OF THE ORDER OF THE 1ST REVISIONAL AUTHORITY DTD. 21/11/2001.

EXT.P3: COPY OF THE REVISION PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 26/04/2002.

EXT.P4: COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD.26/04/2002.

EXT.P5: COPY OF THE POSTING NOTICE ISSUED BY THE 2ND RESPONDENT DTD. 12/01/2007.

EXT.P6: COPY OF THE CONFIRMATION LETTER DTD. 09/02/2007.

EXT.P7: COPY OF THE ORDER OF THE 1ST RESPONDENT DTD. 01/02/2007.

EXT.P8: COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT DTD. 30/01/2007.

EXT.P9: COPY OF THE LETTER SENT BY THE 1ST RESPONDENT DTD. 01/02/2007.

/TRUE COPY/

Kss

K.BALAKRISHNAN NAIR, J.

WP(C).No.5881 of 2007-A

Dated this the 26th day of February, 2007.

JUDGMENT

The petitioner has approached this court feeling aggrieved by the recovery steps taken against it by Ext.P9 to recover the amount due under Ext.P7 order. The petitioner submits, the revision Ext.P3 filed against Ext.P2 first revisional order has been heard and reserved for orders. It is also pointed out that during the pendency of the first revisional order, it has already paid 50% of the penalty demanded under Ext.P1 original order. Therefore, it prays for keeping in abeyance Ext.P9 till orders are pronounced by the second respondent in the revision pending before it.

2. I heard the learned Government Pleader for the respondents also.

3. Taking into account the fact that the petitioner has already paid 50% of the penalty amount imposed by the original authority, it is ordered that further proceedings pursuant to Ext.P9 shall be kept in abeyance for six weeks from today. The second respondent will pass final orders in the revision, within one month from today. The petitioner shall produce a copy of this judgment before the second respondent, within two weeks from today.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.